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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/784,968

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Connie June Colman

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EXAMINER

FIELDS, BENJAMIN S

ART UNIT

PAPER NUMBER

3684

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/784,968	<b>Applicant(s)</b> COLMAN ET AL.	
	<b>Examiner</b> BENJAMIN S. FIELDS	<b>Art Unit</b> 3684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-18,20-25,27-47,49-62,64-69,71-84,86-88 and 93-98 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-18,20-25,27-47,49-62,64-69,71-84,86-88 and 93-98 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 June 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Introduction*

1. A **request for continued examination** under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), **was filed** in this application **after final rejection**. Since this application is **eligible** for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the **finality** of the previous Office action has been **withdrawn** pursuant to 37 CFR 1.114. Applicants submission filed on 1 March 2010 has been entered.

2. The following is a **NON-FINAL** Office Action in response to the communication received on 1 March 2010. Claims 1-3, 5-18, 20-25, 27-47, 49-62, 64-69, 71-84, 86-88, and 93-98 are now pending in this application.

### *Response to Amendments*

3. Applicants Amendments to Claims 1-97 has been acknowledged in that: **Claims 1-2, 6, 16, 23-24, 45-46, 60, 67, 82, and 93-97 have been newly amended; NO Claims have been newly canceled; Claim 98 has been newly added;** hence, as such, **Claims 1-3, 5-18, 20-25, 27-47, 49-62, 64-69, 71-84, 86-88, and 93-98 are pending in this application.**

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5-18, 20-25, 27-47, 49-62, 64-69, 71-84, 86-88, and 93-98 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mahoney et al. (US Pat. No. 7,287,008), [hereinafter Mahoney] in view of Zandi (US Pat. No. 5,966,699), [hereinafter Zandi].

Referring to Claim 1: Mahoney discloses a computer implemented method for [construction] loan administration, wherein the method is carried out, at least in part, using a system comprising a computer processor, the method comprising the steps of: registering, through the computer processor with the system for [construction] loan administration wherein at least one loan is identified and the at least one loan comprises an existing [construction] loan (Mahoney: Figures 1-2; Column 2, Lines 15-65); identifying one or more participants associated with the at least one loan to join the system for [construction] loan administration (Mahoney: Abstract; Figure 12; Column 1, Line 63-Column 3 Line 15); assigning, through the computer processor, one or more of privileges and roles to each of the one or more participants (Mahoney: Figures 11-12); managing the at least one loan via the computer processor of the system through an online interface wherein data associated with the at least one loan may be accessed and viewed according to user input (Mahoney: Figures 1-2; Column 2, Lines 25-58; Column 3, Lines 5-15; Column 5, Line 13-Column 6, Line 21); accessing, by the computer processor, loan data specific for the at least one loan wherein the loan data comprises budget summary data, wherein the budget summary data comprises a line

item budget and a disbursed amount (Mahoney: Figures 2-8; Column 2, Line 14-Column 4, Line 5); performing, by the computer processor, one or more actions concerning the at least one loan wherein the one or more actions submitting information to a receiving entity (Mahoney: Column 5, Line 53-Column 6, Line 21; Column 11, Line 35-Column 12, Line 18); specifying, through the computer processor, one or more [triggering] events associated with the at least one loan (Mahoney: Column 1, Line 67-Column 2, Line 67); specifying, through the computer processor, one or more contacts to be notified after an occurrence of the one or more [triggering] events (Mahoney: Column 1, Line 67-Column 2, Line 67); and specifying, through the computer processor, one or more preferred modes of notification for the one or more contacts at the occurrence of the one or more [triggering] events (Mahoney: Figures 9, 11-12; Column 1, Line 67-Column 2, Line 67).

Mahoney, however, does not expressly discuss a method for construction loan administration, a method wherein the one or more actions comprise at least submitting one or more draw requests, specifically utilize the term “trigger”, or wherein the draw request are based on one or more stages of construction.

Zandi, in a similar environment, shows a method for construction loan administration, a method wherein the one or more actions comprise at least submitting one or more draw requests, utilization of “trigger”, or wherein the draw request are based on one or more stages of construction (Zandi: Figures 4-6; Column 2, Line 12-Column 3, Line 30; Column 5, Line 45-Column 8, Line 65; Column 9, Lines 48-65).

At the time of invention it would have been obvious to one of ordinary skill in the art to modify the system and method of Mahoney for loan organization and underwriting to allow the one or more actions to comprise at least submitting one or more draw requests with the features of Zandi for a system and method for conducting loan auction over computer network for the purposes of providing users varied methods of choices and financial models (Mahoney: Column 1, Line 63-Column 2, Line 11).

Referring to Claim 2: Mahoney teaches a method wherein the loan data further comprises one or more of insurance data, and interest data (Mahoney: Column 2, Line 59-Column 3, Line 4; Column 8, Lines 55-64).

Referring to Claim 3: Mahoney discusses a method wherein the step of managing further comprises the step of: accessing, by the computer processor, collateral data associated with the at least one loan (Mahoney: Column 4, Line 65-Column 5, Line 12).

Referring to Claim 5: Mahoney discusses the limitations of Claim 1.

Mahoney, however, does not expressly teach a method wherein the one or more draw requests comprise line item draw requests.

Zandi, in a similar environment, shows a method wherein the one or more draw requests comprise line item draw requests (Zandi: Figures 4-6; Column 2, Line 12-Column 3, Line 30; Column 5, Line 45-Column 8, Line 65).

Referring to Claim 6: Mahoney shows the limitations of Claim 1.

Mahoney, however, does not expressly disclose a method wherein the one or more draw requests comprise unit draw requests for one or more of new starts and existing units.

Zandi, in a similar environment, shows a method wherein the one or more draw requests comprise unit draw requests for one or more of new starts and existing units (Zandi: Figures 4-6; Column 2, Line 12-Column 3, Line 30; Column 5, Line 45-Column 8, Line 65).

Referring to Claim 7: Claim 7 parallels the limitations of Claim 2. As such, Claim 7 is rejected under the same basis as is Claim 2 as mentioned supra.

Referring to Claim 8: Mahoney discusses a method further comprising the step of: requesting, through the computer processor, one or more reports to be generated for the at least one loan based on one or more user defined specifics (Mahoney: Column 5, Lines 13-47; Column 12, Line 58-Column 13, Line 8).

Referring to Claim 9: Mahoney shows a method wherein the step of performing one or more actions comprises the step of: adding, through the computer processor, collateral data for at least one new collateral associated with the loan (Mahoney: Column 8, Lines 55-64).

Referring to Claims 10-13: Claims 10-13 reflect the limitations of Claim 3. As such, Claims 10-13 are rejected under the same basis as is Claim 3 as mentioned supra.

Referring to Claim 14: Mahoney discusses a method further comprising the step of: updating, through the computer processor, data associated with the at least one

loan; and importing, by the computer processor, the updated data to a receiving entity (Mahoney: Column 5, Line 53-Column 6, Line 21; Column 11, Line 35-Column 12, Line 18).

Referring to Claim 15: Claim 15 parallels the limitations of Claims 3 and 11. As such, Claim 15 is rejected under the same basis as are Claims 3 and 11 as mentioned supra.

Referring to Claim 16: Mahoney shows a method further comprising the step of: updating, through the computer processor, data associated with the at least one loan; specifying, through the computer processor, one or more filters to be applied to the updated data; and exporting, by the computer processor, the filtered updated data from the system for [construction] loan administration to a remote device (Mahoney: Figure 1; Column 5, Lines 13-65; Claims 1, 18).

Mahoney, however, does not expressly discuss a method for construction loan administration.

Zandi, in a similar environment, shows a method for construction loan administration (Zandi: Figures 4-6; Column 2, Line 12-Column 3, Line 30; Column 9, Lines 48-65).

Referring to Claim 17: Claim 17 reflects the limitations of Claim 11. As such, Claim 17 is rejected under the same basis as is Claim 11 as mentioned supra.

Referring to Claim 18: Mahoney teaches a method wherein the remote device comprises one or more of a personal computer, personal digital assistant and wireless device (Mahoney: Figure 1; Column 5, Lines 13-66; Claims 1, 18).



Referring to Claim 20: Claim 20 parallels the limitations of Claims 3 and 11. As such, Claim 20 is rejected under the same basis as are Claims 3 and 11 as mentioned supra.

Referring to Claim 21: Mahoney discusses a method wherein one or more documents may be shared simultaneously with the authorized one or more participants via a common online interface (Mahoney: Figures 1-2; Column 3, Lines 5-15).

Referring to Claim 22: Mahoney discloses a method wherein the receiving entity is a lender entity (Mahoney: Column 10, Lines 44-60).

Referring to Claims 23-25, 27-35, 37-39, and 41-44: Claims 23-25, 27-35, 37-39, and 41-44 are the system for the method of Claims 1-3, 7-13, 15-17, and 20-22. As such, Claims 23-25, 27-35, 37-39, and 41-44 are rejected under the same basis as are Claims 1-3, 7-13, 15-17, and 20-22 as mentioned supra.

Referring to Claims 36, 58, and 60: Claims 36, 58, and 60 reflect the limitations of Claim 14. Hence, Claims 36, 58, and 60 are rejected under the same basis as is Claim 14 as mentioned supra.

Referring to Claims 40, 62, and 84: Claims 40, 62, and 84 parallel the limitations of Claim 18. Hence, Claims 40, 62, and 84 are rejected under the same basis as is Claim 18 as mentioned supra.

Referring to Claims 45-47, 49-57, 59-61, and 64-66: Claims 45-47, 49-57, 59-61, and 64-66 teach methods which parallel the limitations of Claims 1-3, 7-13, 15-17, 20-25, 29-35, 37-39, and 41-44. As such, Claims 45-47, 49-57, 59-61, and 64-66 are

rejected under the same basis as are Claims 1-3, 7-13, 15-17, 20-25, 29-35, 37-39, and 41-44 as mentioned supra.

Referring to Claims 67-69, 71-79, 81-83, and 86-88: Claims 67-69, 71-79, 81-83, and 86-88 are the system for the method of Claims 45-47, 51-57, 59-61, and 64-66. As such, Claims 67-69, 71-79, 81-83, and 86-88 are rejected under the same basis as are Claims 45-47, 51-57, 59-61, and 64-66 as mentioned supra.

Referring to Claims 93-97: Claims 93-97 are directed towards an article of manufacture, a computer readable medium, and a computer implemented system for the execution of the method of Claim 1. As such, Claims 93-97 are rejected under the same basis as is Claim 1 as mentioned supra.

Referring to Claim 98: Mahoney shows a method, wherein the trigger event comprises one or more of the draw request, a draw approval, or an interest rate change (Mahoney: Column 2, Line 59-Column 3, Line 4; Column 8, Lines 55-64).

### ***Response to Arguments***

6. Applicants arguments filed 1 March 2010 have been fully considered but have been found to be **moot** and **non-persuasive** in view of the **new grounds of rejection**.

### ***Conclusion***

7. Any inquiry concerning this communication should be directed to BENJAMIN S. FIELDS at telephone number 571.272.9734. The examiner can normally be reached

MONDAY THRU FRI between the hours of 9AM and 7PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KAMBIZ ABDI can be reached at 571.272.6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin S. Fields  
2 March 2010

/Nga B. Nguyen/  
Primary Examiner, Art Unit 3684